

**REMARKS**

Applicants' representative thanks the Examiner for his time during the telephonic interview of November 18, 2005. During the interview, the Examiner and Applicants' representative discussed the foregoing proposed claim amendments. Although the Examiner indicated he could not render a final decision during the interview, the Examiner indicated that the proposed amendment, if entered, would put the claims in a more favorable form in view of the cited Hwang reference. Applicants' representative requested entry of the proposed amendment, and the Examiner indicated he would consider entering the discussed amendment upon Applicants' submission of this written response.

Accordingly, Applicants respectfully request that the Examiner enter the foregoing proposed amendment and allow the claims as amended, without the need for an additional search or additional action by Applicants. Applicants respectfully submit that the minor claim amendment proposed herein does not raise new issues, but merely clarifies issues that have been raised throughout the prosecution of this application (which issues have previously been searched extensively by the Examiner, as evidenced by the PAIR data included below). Additionally, Applicants have previously filed in this application a Continued Prosecution Application and two (2) Requests for Continued Examinations

subsequent to prior amendments and telephonic interviews. Applicants respectfully request entry of the proposed claim amendment, as suggested by the Examiner, and allowance of the claims as-amended.

Rejections under 35 U.S.C. § 102(e)

In the office action, claims 1 - 27 were finally rejected under 35 U.S.C. § 102(e) in view of U.S. Patent No. 6,049,823 to Hwang (hereinafter "Hwang "). Applicants respectfully traverse the rejections of record, and respectfully submit that the foregoing claims as amended are in condition for allowance.

Independent claim 1 as amended is directed to a method of presenting an audiovisual signal to a user's audiovisual display monitor, including the step of, *inter alia*:

responding to the command by assigning an assignable computing device (ACD) to the particular user only, such that the ACD is not available for concurrent communication with other users;

Independent claim 16 is directed to an apparatus for presenting an audiovisual signal to a user's audiovisual display monitor, and includes similar limitations.

Applicants' foregoing proposed amendment clarifies that once the claimed ACD is assigned to the particular user, it is not available for assignment to *or communication with* other users of the system.

Hwang is directed to an interactive television system that renders on-demand interactive multimedia services. (Hwang, Abstract). In the Hwang system, even at any point in time at which the described channel processor may be providing content to a single user (which is not even clear, since the reference is ambiguous as to whether a channel processor, even in the private viewing mode, may be servicing additional users, e.g., concurrently in a group viewing mode), that channel processor still communicates with other users of the system to, e.g., coordinate and redirect communications and connections with other channel processors. (*See*, e.g., Hwang, col. 10, lns. 47-56).

Applicants respectfully submit that the foregoing amendment clarifies the claimed invention and the distinctions between the claimed invention and the system described in Hwang and puts the claims in condition for allowance. Accordingly, Applicants respectfully request that the Examiner exercise his discretion as authorized by M.P.E.P. §§ 706.07(e) and 714.12(b) to admit this amendment as one which will “place the application either in condition for allowance or in better form for appeal” and to withdraw the final rejections of record in view of this amendment. As further mandated in the M.P.E.P., “[t]he refusal to enter the proposed amendment should not be arbitrary. The proposed

amendment should be given sufficient consideration to determine whether the claims are in condition for allowance ... ." M.P.E.P. § 714.13.

Additionally, Applicants respectfully submit that the proposed amendments herein do not introduce new issues such that the Examiner would have to perform an additional prior art search before allowing the proposed amended claims. The proposed amendments are minor amendments clarifying what has been a primary issue throughout the course of the lengthy prosecution of this application -- i.e., the degree to which the claimed invention is assigned in a dedicated manner to a particular user, and the distinctions in this respect between the claimed invention and the cited prior art. In fact, after a previous amendment, clarifying that the ACD of the present invention is "assigned to a particular user only," as opposed to being assigned to possibly more than one user concurrently, a Request for Continued Examination was numerous prior art searches have since been performed by the Examiner. (*See* June 2, 2003 Amendment and subsequent searches).

In fact, numerous searches have been conducted by the Examiner during the course of prosecution of this application, after Applicants filed a Continued Prosecution Application and two (2) Requests for Continued Examination, including, according to the electronic file history on PAIR:

08-24-2005 List of references cited by examiner

12-01-2004 List of references cited by examiner

11-26-2004 Examiner's search strategy and results

03-29-2004 List of references cited by examiner

03-17-2004 Examiner's search strategy and results

10-07-2003 List of references cited by examiner

01-02-2003 List of references cited by examiner

04-01-2002 List of references cited by examiner

Applicants respectfully submit that the Examiner has already thoroughly searched the prior art in this application. Specifically, because the currently-proposed amendment is merely a clarification of the same issue addressed throughout prosecution, Applicants respectfully submit that no new issues are raised and that the issue has already been extensively searched, and further respectfully request that the claims as amended be allowed without requiring additional action from Applicants.

Applicants additionally incorporate by references all Remarks contained in the previous May 2, 2005 Response filed in this application, which Remarks aid to further distinguish the claimed invention from the system of Hwang.

In light of the forgoing, Applicants respectfully submit that claims 1 and 16 in the foregoing proposed amended form are in condition for allowance. Additionally, because dependent claims 2-15 and 17-27 contain all of the limitations of the claims from which they depend, Applicants submit that these claims are also in condition for allowance, for at least the same reasons.

**CONCLUSION**

In view of the foregoing remarks and proposed amendments, entry of the proposed amendments and favorable consideration and allowance of claims 1-27 are respectfully solicited. In the event that the application is not deemed in condition for allowance, the Examiner is invited to contact the undersigned in an effort to advance the prosecution of this application.

Respectfully submitted,



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